



E. I. DU PONT DE NEMOURS & COMPANY
INCORPORATED
WILMINGTON, DELAWARE 19898

US EPA RECORDS CENTER REGION 5



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LEGAL DEPARTMENT

April 29, 1988

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Ms. Mary Gade, Acting Director
Office of Superfund
U.S. Environmental Protection Agency
Region V
230 South Dearborn Street
Chicago, IL 60604

Dear Ms. Gade:

RECEIVED

MAY 03 1988

EMERGENCY &
REMEDIAL
RESPONSE BRANCH

Ninth Avenue Dump (Gary, IN);
U.S. Scrap (Chicago, IL)

This letter is in response to your letter of March 9, 1988 (received on March 30, 1988) informing Du Pont of potential responsibility at the above-captioned sites in seeking Du Pont's agreement to participate in negotiating site cleanup and/or cost reimbursement with the EPA.

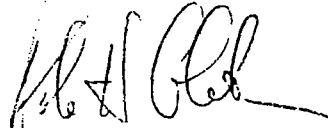
Please be advised that on December 1, 1986, in response to Region V's request for information, Du Pont informed the Agency that a good faith search of its extant records showed no involvement with either the captioned sites or with other sites identified by the EPA as being owned or operated by Mr. Steve Martell. I have been advised by Ms. Susan Swales of your office that Du Pont was listed as a PRP in the Ninth Avenue dump and U.S. Scrap sites because of alleged testimony of one of Mr. Martell's (former) employees. However, the EPA has not, to date, permitted release of this testimony to Du Pont.

Please be advised that it is Du Pont's policy to participate in corrective measures and satisfy its fair share for removal and/or remediation expense to the extent that Du Pont generated wastes, and certainly for the release of hazardous substances at the site. Because Du Pont knows of no information that it did business with either the Ninth Avenue Dump or the U.S. Scrap sites, we cannot agree to participate in site cleanup and/or cost reimbursement negotiations at this time. Du Pont reserves the right to modify this position at such time that Du Pont's direct involvement in the release of a hazardous substance at these sites is shown.

Notwithstanding the foregoing, please advise me of the time, date and location of the Region's open meeting which Ms. Swales indicated would be scheduled in May. It is my understanding that at this meeting, the Agency will permit Du Pont and other named PRPs the opportunity to inspect information collected regarding alleged involvement with either of these sites.

If you have any questions concerning this response, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark H. Christman', written over a horizontal line.

Mark H. Christman
Du Pont Company
Legal Department
BOD 821-1A
1007 Market Street
Wilmington, DE 19898
(302) 774-6443

MHC/6,'9Avenue